

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROBERT STEWART/ALLEN STEWART,

Plaintiff,

**TRANSFER ORDER**

-against-

10 CV 3212 (ARR) (LB)

City of New York, N.Y.P.D., 7<sup>th</sup> Precinct;  
Detective JOHN CAPERS; Lieutenant  
McATEER; New York County Court;  
District Attorney CYRUS R. VANCE;  
A.D.A. NOVICK,

Defendants.

-----X  
**BLOOM, United States Magistrate Judge:**

Plaintiff Robert Stewart, also known as Allen Stewart, currently incarcerated at Upstate Correctional Facility, brings this *pro se* action pursuant to 42 U.S.C. § 1983 alleging false arrest and malicious prosecution.

Pursuant to the venue provision governing federal question jurisdiction, this action must be filed in the judicial district where defendants reside or where a substantial part of the events or omissions giving rise to the claim occurred. See 28 U.S.C. § 1391(b). Here, none of the defendants reside in the Eastern District of New York and none of the events alleged occurred within this district. Rather, plaintiff alleges that he was falsely arrested and prosecuted in New York County.

Accordingly, this case is hereby transferred to the United States District Court for the Southern District of New York. See 28 U.S.C. §1406(a) (district court may transfer case filed in the wrong district to any district in which it could have been brought). A ruling on plaintiff's application to proceed *in forma pauperis* is reserved for the transferee Court. That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a seven-day delay is waived. Summonses shall not issue from this Court.

SO ORDERED.

/S/

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DOIS BLOOM  
United States Magistrate Judge

Dated: July 19, 2010  
Brooklyn, New York